

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JANE DOE,

Plaintiffs,

v.

No. 23-cv-11236

LINCOLN CONSOLIDATED SCHOOLS,

Hon. Shalina D. Kumar
Mag. Judge Anthony P. Patti

Defendant.

ERIC D. DELAPORTE (P69673)
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Plunkett Cooney
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**ANSWER TO COMPLAINT, AFFIRMATIVE
DEFENSES AND JURY DEMAND**

NOW COMES Defendant, LINCOLN CONSOLIDATED SCHOOLS, by
and through its attorneys, Plunkett Cooney, and in Answer to Plaintiffs'
Complaint, states as follows:

VENUE AND JURISDICTION

1. Defendant acknowledges that it is a governmental entity engaged in the exercise and discharge of a governmental function and, accordingly, all claims presented in this Complaint are barred by governmental immunity.

2. Defendant denies that there a viable cause of action exists and, accordingly, venue and jurisdiction are inappropriate in this Honorable Court.

3. Defendant denies that Plaintiff has properly pled a cause of action.

4. Defendant denies the allegations contained therein as same are untrue.

INTRODUCTION

5. Defendant restates paragraphs 1 through 4 above as though more fully set forth herein.

6. Defendant denies that “egregious wrongdoing” has been undertaken, taken place, or permitted as alleged in this paragraph.

FACTS

BACKGROUND

7. Defendant restates paragraphs 1 through 6 above as though more fully set forth herein.

8. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegation and, accordingly, Defendant neither admits nor denies the allegations.

9. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegation and, accordingly, Defendant neither admits nor denies the allegations.

10. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegation and, accordingly, Defendant neither admits nor denies the allegations.

11. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegation and, accordingly, Defendant neither admits nor denies the allegations.

12. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegation and, accordingly, Defendant neither admits nor denies the allegations.

13. Defendant denies the allegations contained therein as same are untrue.

14. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegation and, accordingly, Defendant neither admits nor denies the allegations.

15. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegation and, accordingly, Defendant neither admits nor denies the allegations.

16. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegation and, accordingly, Defendant neither admits nor denies the allegations.

17. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegation and, accordingly, Defendant neither admits nor denies the allegations.

18. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegation and, accordingly, Defendant neither admits nor denies the allegations.

19. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegation and, accordingly, Defendant neither admits nor denies the allegations.

20. Defendant denies the allegations contained therein as same are untrue.

21. Defendant denies the allegations contained therein as same are untrue.

22. Defendant denies the allegations contained therein as same are untrue.

23. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegation and, accordingly, Defendant neither admits nor denies the allegations.

24. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegation and, accordingly, Defendant neither admits nor denies the allegations.

25. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegation and, accordingly, Defendant neither admits nor denies the allegations.

26. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegation and, accordingly, Defendant neither admits nor denies the allegations.

27. Defendant denies the allegations contained therein as same are untrue.

28. Defendant denies the allegations contained therein as same are untrue.

29. Defendant denies the allegations contained therein as same are untrue.

30. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegation and, accordingly, Defendant neither admits nor denies the allegations.

31. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegation and, accordingly, Defendant neither admits nor denies the allegations.

32. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegation and, accordingly, Defendant neither admits nor denies the allegations.

33. Defendant denies the allegations contained therein as same are untrue.

34. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegation and, accordingly, Defendant neither admits nor denies the allegations.

35. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegation and, accordingly, Defendant neither admits nor denies the allegations.

36. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegation and, accordingly, Defendant neither admits nor denies the allegations.

37. Defendant lacks knowledge or information sufficient to form a belief as to the truth of the allegation and, accordingly, Defendant neither admits nor denies the allegations.

COUNT I

VIOLATION OF TITLE IX

38. Defendant restates paragraphs 1 through 37 above as though more fully set forth herein.

39. Defendant submit those duties imposed on the laws of the State of Michigan and the United States Constitution and under Title IX are denied for breaching same.

40. Defendant submit those duties imposed on the laws of the State of Michigan and the United States Constitution and under Title IX are denied for breaching same.

41. Defendant denies the allegations contained therein as same are untrue.

42. Defendant denies the allegations contained therein as same are untrue.

COUNT II

PWDCRA

43. Defendant restates paragraphs 1 through 42 above as though more fully set forth herein.

44. Defendant objects to this allegation in that it calls for a legal conclusion and, accordingly, no further answer is required.

45. Defendant objects to this allegation in that it calls for a legal conclusion and, accordingly, no further answer is required.

46. Defendant denies the allegations contained therein as same are untrue.

47. Defendant denies the allegations contained therein as same are untrue.

48. Defendant denies the allegations contained therein as same are untrue.

49. Defendant denies the allegations contained therein as same are untrue.

COUNT III

ARTICLE 1 SECTION 26 OF THE MICHIGAN CONSTITUTION

50. Defendant restates paragraphs 1 through 49 above as though more fully set forth herein.

51. Defendant denies the allegations contained therein as same are untrue.

52. Defendant denies the allegations contained therein as same are untrue.

53. Defendant denies the allegations contained therein as same are untrue.

WHEREFORE, Defendant requests this Honorable Court enter a Judgment of no cause for action and award costs and attorney fees so wrongfully sustained in defending this litigation.

PLUNKETT COONEY

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AFFIRMATIVE DEFENSES

NOW COMES Defendant, LINCOLN CONSOLIDATED SCHOOLS, by and through attorneys, PLUNKETT COONEY, and submits the following Affirmative Defenses which may be relied upon at the time of trial of this matter:

1. Plaintiffs' Complaint fails to state a claim upon which relief can be granted.
2. Plaintiff' Complaint is barred in that Plaintiff has failed to exhaust administrative remedies, within the District and outside of the District through various entities and agencies.
3. Defendant met all duties and obligations under Title IX.
4. Defendant met all duties and obligations under the Persons With Disabilities Civil Rights Act.
5. Defendant did not engage in discrimination based upon the Plaintiff's gender.
6. Defendant did not engage in discrimination based upon Plaintiff's disabilities/alleged disabilities.
7. Defendant was not deliberately indifferent to any assertions made by the Plaintiff.

8. To the extent that Plaintiff voiced a complaint, it was promptly and thoroughly investigated consistent with the requirements of Title IX.

9. Defendant reserves the right to amend these Affirmative Defenses up until the time of trial.

PLUNKETT COONEY

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JURY DEMAND

NOW COMES Defendant, LINCOLN CONSOLIDATED SCHOOLS, by and through attorneys, Plunkett Cooney and hereby demands a trial by jury in the above matter.

PLUNKETT COONEY

BY: /s/Michael D. Weaver
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PROOF OF SERVICE

I hereby certify that on the 8th day of June, 2023, a copy of Defendant's *Answer to Plaintiff's Complaint, Affirmative Defenses and Jury Demand* was electronically filed and the attorney(ies) of record received notice via the court's ECF system.

PLUNKETT COONEY

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